

Message Text

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TO AMEMBASSY LUSAKA IMMEDIATE

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EXDIS

E.O. 11652: GDS

TAGS: PFOR, ZA, US

SUBJECT: SOGHOIAN CASE

PRETORIA FOR AMBASSADOR WILKOWSKI

1. DECISION OF PARTIES CONCERNED (U.S. ATTORNEY AND SOGHOIAN) WHICH RESULTED IN SOGHOIAN'S GUILTY PLEA TO MISDEMEANOR CHARGE (SEPTEL) INVOLVED PLEA BARGAINING PROCESS. OFFICE OF U.S. ATTORNEY INFORMED SOGHOIAN'S COUNSEL ON MARCH 19 THAT PROSECUTION WAS PREPARED TO MOVE TO QUASH EXISTING FELONY INDICTMENTS, IN FAVOR OF MISDEMEANOR CHARGE AND TO PRISON SENTENCE UPON PLEA OF GUILTY TO MISDEMEANOR. QUID FROM SOGHOIAN WOULD BE PLEA AND AGREEMENT TO TESTIFY TO GRAND JURY REGARDING HIS ACTIVITIES AND CONTACTS IN U.S. (DEPT UNDERSTANDS THAT DEPARTMENT OF JUSTICE INTEREST HERE IS RELATED TO ALLEGED ATTEMPTS BY SOGHOIAN TO CONTACT NSA AND OTHER USG EMPLOYEES.)

2. ON MARCH 20 ZAMBIAN CHARGE, WHO WAS PREVIOUSLY AWARE IN GENERAL FASHION OF POSSIBILITY THAT SOGHOIAN MIGHT BE CONFIDENTIAL

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OFFERED CHOICE WHICH RELATIVELY MORE ATTRACTIVE THAN PROS-

PECT OF TRIAL ON FELONY CHARGES, WAS ADVISED BY SOGHOIAN'S COUNSEL OF GENERAL TERMS OF ARRANGEMENT SUGGESTED BY OFFICE OF U.S. ATTORNEY. COUNSEL ALSO INDICATED THAT SOGHOIAN WAS UNSURE OF BEST COURSE OF ACTION AND WONDERED WHETHER CHARGE

HAD ANY ADVICE TO OFFER HIM. CHARGE REPLIED THAT HE HAD NO INSTRUCTIONS FROM GRZ AND THAT HE HIMSELF UNCLEAR ON BEST COURSE OF ACTION. LATER IN AFTERNOON, CHARGE, AT HIS OWN INITIATIVE, CALLED ON DEPTOFFS (AF/E AND L/AF), RECOUNTED FOREGOING PORTION THIS PARA AND ENQUIRED WHAT DEPARTMENT'S ATTITUDE WAS. HE ALSO MADE VERY EFFECTIVE PRESENTATION OF THEME THAT OVER PAST YEAR OR SO, GRZ HAD MADE VERY CONSCIOUS EFFORT IMPROVE RELATIONS WITH US AND INDICATED HIS CONCERN LEST PLANNED VISIT TO NEW YORK AND WASHINGTON OF FOREIGN MINISTER BE MARRED BY POTENTIAL BAD PUBLICITY ABOUT TRIAL OF SOGHOIAN. IT POSSIBLE THAT CHARGE WAS MAKING EFFORT TO OBTAIN FURTHER QUOTE SWEETENING UNQUOTE OF PROSECUTION OFFER TO SOGHOIAN. ALTHOUGH HE STATED THAT HE WAS SPEAKING WITHOUT INSTRUCTIONS, LENGTH DEPTH AND MANNER OF PRESENTATION INDICATED GREAT CARE IN PREPARATION.

3. DEPTOFFS TOLD CHARGE THAT SOGHOIAN HAD TO MAKE HIS OWN DECISION ON ACCEPTANCE OR REJECTION OF PROSECUTION OFFER AND THAT INTEGRAL SEGMENT OF ANY SUCH ARRANGEMENT WAS AVOWAL OF PLEADER THAT HE HAD NOT BEEN PRESSURED OR INFLUENCED TO MAKE SUCH PLEA. DEPTOFFS SAID THAT BOTH GRZ AND USG SINCE INITIAL SPATE OF PUBLICITY AND DEMARCHE AT TIME OF SOGHOIAN'S ARREST HAD MADE LAUDABLE AND REASONABLY SUCCESSFUL EFFORT TO ESCHEW FURTHER PUBLICITY AND, MORE IMPORTANTLY, AVOID DAMAGE TO BILATERAL RELATIONS. IN ADDITION, AS CHARGE WAS AWARE, DEPARTMENT HAD MAINTAINED CONTACT WITH DEPT. OF JUSTICE ON CASE SINCE OUTSET WHICH DEPTOFFS BELIEVED HAD LESSENED POTENTIAL POLITICAL COSTS OF CASE TO BOTH SIDES. STILL LATER IN AFTERNOON MARCH 20, DEPTOFF LEARNED FROM U.S. ATTORNEY'S OFFICE THAT SOGHOIAN'S COUNSEL HAD ADVISED THAT NO DECISION ON OFFER WOULD BE FORTHCOMING BEFORE MARCH 21 BECAUSE ZAMBIA'S QUOTE WERE CREATING PROBLEMS. UNQUOTE. DEPTOFF THEN ADVISED CHARGE PLEA OFFER COULD NOT BE IMPROVED AND THAT CONFIDENTIAL

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POLITICAL RISKS SEEMED FAR GREATER FROM TRIAL THAN FROM DISPOSITION OF CASE THROUGH MISDEMEANOR PLEA. DEPARTMENT WAS ADVISED OF EVENTUAL OUTCOME BY U.S. ATTORNEY'S OFFICE ON MARCH 21.

4. DEPARTMENT BELIEVES THAT IT WOULD BE USEFUL FOR CHARGE TO INFORM MARK CHONA OF GUILTY PLEA, STRESSING FACT THAT PROSECUTION HAS ADVISED JUDGE PRIVATELY THAT IT NOT REPEAT

NOT SEEKING PRISON SENTENCE. IT SHOULD ALSO BE POINTED OUT TO CHONA THAT WHILE SOME REPORTER MIGHT TRY TO DEVELOP STORY FROM GUILTY PLEA, DISPOSITION OF CASE BEFORE TRIAL HAS REMOVED POSSIBILITY THAT ZAMBIA, PRESIDENT KAUNDA OR ZAMBIAN OFFICIALS WOULD BE MENTIONED IN OPEN COURT PROCEEDINGS WHERE DEVELOPMENTS WOULD BE BEYOND

EFFECTIVE CONTROL OR EVEN INFLUENCE OF DEPARTMENT.
EMBASSY MAY ALSO WISH TO MAKE POINT THAT OUTCOME THIS
CASE SEEMS BEST POSSIBLE ONE FOR BOTH GOVERNMENTS GIVEN
THE CIRCUMSTANCES.

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